



NEW YORK CITY LAW DEPARTMENT
OFFICE OF THE CORPORATION COUNSEL

Michael A. Cardozo, Corporation Counsel

Press Release

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For Immediate Release

**BRONX JUDGE DISMISSES RIKERS ISLAND SUIT
BROUGHT BY INMATES WHO CAUSED SELF-INFLICTED GUNSHOTS
IN ORDER TO BLAME CORRECTION OFFICERS**

CASE IS SWEEPING WIN FOR NEW YORK CITY AND LAW FIRM OF SKADDEN ARPS, WHICH HANDLED THE CASE FOR FREE AS PART OF THE CITY'S "CORPORATION COUNSEL PUBLIC SERVICE PROGRAM"

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New York, May 24, 2004 – Justice Alison V. Tuitt of the Supreme Court for the State of New York, Bronx County, last Friday (May 21, 2004) granted a motion made by City attorneys at the end of the plaintiffs' case and dismissed an action brought by two inmates who claimed to have been shot while incarcerated on Rikers Island in 1996. The City had defended the case on the grounds that the plaintiff's injuries resulted from their fraudulent effort to recover damages caused by their self-inflicted wounds.

The case was litigated for the City by Skadden, Arps, Slate, Meagher & Flom, one of the country's largest law firms, which handled the case for free as part of the City's "Corporation Counsel Public Service Program." The program, established in May 2002, enables leading law firms donate time to the City in order to reduce the City's heavy litigation caseload. In turn, their attorneys gain valuable trial experience. To date, firms have donated more than \$13 million in services.

The inmates, Douglas Harris and Larry Browning, claimed that on June 27, 1996, an unknown person shot them while they were asleep in a jail dormitory. A third inmate who was also shot, James Mingo, dropped his case just before the trial began two weeks ago. The City was prepared to present evidence demonstrating that the shootings were self-inflicted as part of a conspiracy – as uncovered by the City's Department of Investigation – to commit fraud by blaming Department of Correction officials for the shootings. Among other witnesses, the City had planned to call Mingo's girlfriend, who pleaded guilty to charges that she smuggled the gun into the jail at his behest. The judge's ruling, however, eliminated the need for that testimony. After three days of evidence, Justice Tuitt ruled that plaintiffs had failed to establish that the City could have foreseen or prevented the shootings. The order was issued from the bench (meaning there is no written ruling).

The City was represented at trial by Mark S. Cheffo, a partner at Skadden, Arps, Slate, Meagher & Flom LLP (www.skadden.com). He was assisted by Thomas E. Claps and Mary Ann Le Fort, both associates at the firm. "This was a hard-fought case over several years and it's extremely rewarding – both personally and professionally – to assist the City in putting it to rest," Cheffo said. "The trial experience my colleagues and I gained in trying this case was invaluable. We're delighted that we were able to convince the judge that the case was fraudulent even before a jury had to take the time to hear it."

Corporation Counsel Michael A. Cardozo, the City's chief legal officer, praised the legal ruling as well as Skadden's participation. "The court made the correct ruling in dismissing a suit that City had found to be fraudulent. It should help prevent future deceitful acts like this," Cardozo said. He added, "We greatly

appreciate the legal counsel provided to the City by Skadden Arps, which did an excellent job in handling this case for the City. Justice was served.”

The City’s Department of Investigation (www.nyc.gov/doi) uncovered and investigated the fraud. DOI Commissioner Rose Gill Hearn said, "Seven years ago, the diligent investigative efforts of DOI unraveled this cynical scheme, which involved an inmate's girlfriend smuggling a gun into the jail. I am pleased to see that the City's public service counsel were able to persuade the judge that the suit lacked merit. Let this be a warning to other fraudsters – your schemes will not work." Assistant DOI Commissioner Michael Caruso oversaw the investigation for DOI.

The New York City Law Department is one of the oldest, largest and most dynamic law offices in the world, ranking among the top three largest law offices in New York City and the top three largest public law offices in the country. Tracing its roots back to the 1600's, the Department's 650-plus lawyers handle more than 100,000 cases and transactions each year in 17 separate legal divisions. The Corporation Counsel heads the Law Department and acts as legal counsel for the Mayor, elected officials, the City and all its agencies. The Department's attorneys represent the City on a vast array of civil litigation, legislative and legal issues and in the criminal prosecution of juveniles. Its web site can be accessed through the City government home page at www.nyc.gov or via direct link at www.nyc.gov/html/law/home.html.

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